

FEB 15 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SANDEEP KAUR,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-73709

Agency No. A75-247-196

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 11, 2008^{**}

Before: WALLACE, LEAVY and RYMER, Circuit Judges.

This is a petition for review from the Board of Immigration Appeals’
 (“BIA”) August 17, 2007 decision denying petitioner’s motion to reopen and
reconsider.

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

We have reviewed the record, respondent's motion for summary disposition, and the opposition thereto. We conclude that summary disposition is appropriate because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The regulations provide that a party may file only one motion to reconsider any given decision, and such motion "must be filed with the Board within 30 days after the mailing of the Board decision." *See* 8 C.F.R. § 1003.2(b)(2). The regulations also provide that "a party may file only one motion to reopen," and that the motion "must be filed no later than 90 days after the date on which the final administrative decision was rendered in the proceeding sought to be reopened." *See* 8 C.F.R. § 1003.2(c)(2). Construed as a motion to reconsider or reopen, the BIA did not abuse its discretion in denying petitioner's motion, filed more than three years after the BIA's December 9, 2002 decision affirming the denial of her application for asylum. *See Lara-Torres v. Ashcroft*, 383 F.3d 968, 972 (9th Cir. 2004) (BIA's denial of a motion to reconsider is reviewed for abuse of discretion); *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). Accordingly, respondent's motion for summary disposition is granted.

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To the extent petitioner challenges the BIA's decision declining to exercise its *sua sponte* authority to reopen and reconsider, we lack jurisdiction. *See Ekimian v. INS*, 303 F.3d 1153, 1159 (9th Cir. 2002).

All other pending motions are denied as moot. The temporary stay of removal shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED.